

REMARKS

Claims 1-5 are pending, wherein claim 1 has been amended to correct typographical and/or translation errors. Reconsideration and allowance based on the comments below are respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) in view of Kinugawa et al. (US 6,450,138) and claim 4 stands rejected under 35 U.S.C. §103(a) in view of Kinugawa. These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, a second rotor that has a plurality of vanes a hole provided in the vane of the second rotor to accommodate the other-end side of the energizing means. Applicants respectfully submit that Kinugawa fails to teach this feature.

As stated in claim 1, it is clear that the “hole” is provided in the vane of the second rotor, no where else. Thus, to anticipate this teaching Kinugawa must teach a second rotor having a vane with such a hole therein. Applicants respectfully submit that Kinugawa does not teach this feature.

The Examiner states that the vane 23 of Kinugawa corresponds to Applicants claimed second rotor vane. Thus, if the Examiner is relying upon the vane 23 to teach the claimed second rotor vane, then the vanes must have holes in them to accommodate the energizing means as claimed by Applicants.

The Examiner states that the vanes 23 have grooves 36 to accommodate the energizing means. Applicants agree that element 36 of FIG. 11 in Kinugawa teaches a groove in the vane 23. The Examiner also states that a hole is provided in the second rotor vane by element 39 and specifically 39A and 39B.

First, Kinugawa teaches a groove in the vanes, but not a hole. There is no teaching of a hole in the vanes.

Second, elements 39A and 39B are not part of the vanes but instead are an integrated part of the energizing means of Kinugawa. Element 39 is shaped to allow for the placement of the energizing means in the groove 36. Elements 39A and 39B provide areas for placement of the rotor urging members 40 and 41.

Further, this is evidence not only from FIG. 11 and its description but from the description at Col. 12, lines 52-67 in which it states that elements 38 and 39 are holding members for springs 40 and 41 and holding members are "inserted into the shoe groove 36 and the vane groove 37." Thus, it is apparent that Kinugawa teaches that the vane is separate from elements 38 and 39 and thus elements 38 and 39 do not correspond to the holes in the vane of the second rotor as claimed by Applicants.

Thus, Kinugawa fails to teach each and every feature of Applicants independent claim 1 as required. Further, claims 2-5 are likewise allowable for the additional features they recite as well as for their dependence upon claim 1.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the above reasons Applicants respectfully submit claims 1-5 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J.

Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: April 17, 2009

Respectfully submitted,

By Penny Caudle #46,607
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant